

Zoning Code Rewrite Task Force
and Stakeholder Comments

Source	Module	#	Page/Section	Comment	Suggested Action	Final Action
Councilwoman Chapados	Mod 1, Part 1	1	pg 3, 1st ¶	“For” should be “four”	Will be done	
		2	pg 5, Table	3rd Column – write out Zoning Administrator for clarity (1st time only)	Will be done	
		3	pg 35, ¶	Remove / change “Santa Monica” reference.	Will be done	
		4	pg 9, MU-H	Heritage Mixed Use Corridor District – this area needs additional focus, and/or discussion due to the complexity of issues within it.	Policy Issue for Task Force - Base or Overlay District? Will provide Heritage District Base Zoning standards, including codifying the existing design guidelines in Phase I. Phase II of work program includes option of doing more detailed work in the Heritage District.	
		5	pg 13, ¶12	Qualifications for P&Z and BofA need to be reviewed to ensure quality Candidates as well as comprehensive understanding of duties & responsibilities. May be some value in making this committee membership on a rotating / staggered basis.	Will be done in Module 2: Administration and Permitting	
		6	pg 22, Family Day Care	There should be better differentiation between a “small” and “large” day care facility. As cited, there is some overlap with regard to number of children.	Will be done	
		7	pg 24, Parks and Rec Facilities	Suggest clarification with regard to “HOA common areas” so as to avoid confusion that these spaces are “open to the public” as opposed to “limited authorized public access”	Will be done in Module 2: Administration and Permitting	
		8	pg 26, Small Animal Daycare	What about possible / future equine or bovine animal care facilities?	Will be done	
		9	pg 29, Live Work	Suggest better differentiation between this and a traditional “home-based business” definition.	Part 2 of Module 1 has additional detail	
		10	pg 31, Creative	Suggest changing to be more inclusive; i.e. “Creative / Intellectual”	Will be done	
		11	pg 31, OTB Estab.	Do we have the ability to prohibit these establishments?	Yes, probably	
		12	pg 31, Outdoor etc.	Suggest additional development of guidelines, particularly when these activities are held at locations a-typical of such events / activities	Part 2 of Module 1 has additional detail; more can be added	
		13	pg 32, General	There seems to be a gap for businesses between 25,001sq.ft. to 80,000 sq. ft.	Will be fixed.	
ZCRTF - Member Linda Cheney	Outline	14	Page 13 – Article 207 – first sentence	for the <u>OS-POS Privately owned Open Space District</u> and <u>OS-C Conservation Open Space District</u> . Typically in Arizona, Residential PAD Districts or PAD Overlays where the Privately Owned Open Space is Active and Passive (sometimes Conservation) is given the Residential District zone classification and the property is stipulated to the adopted Open Space requirements. The Open Space (Active & Passive) areas are depicted on the PAD Land Use Plan, but the zone district is typically residential. This allows the property owner the flexibility to adjust the configuration, boundary, location, alignment, etc. of the Open Space areas, when necessary and with justification, as an Administrative (Minor) Amendment, rather than the full blown Major Amendment rezone/public hearing process. Would the OS-POS District also include the tot lots and active/amenity type parks that are required for residential zoned projects, the configuration and location of which are not identified/finalized until Preliminary and/or Final Plat? There will very likely be <u>major opposition</u> from the development/homebuilder community toward the Private Owned Open Space Districts. Need more information on the concept and justification for the Private Owned Open Space Districts.	Policy Issue for Task Force. The PAD district allows this differentiation.The OS-POS District can be crafted to be flexible and modified as a minor PAD amendment, staff to present additional background at 6/26 Task Force Meeting.	
		15		Will there be an age specific / ‘active adult’ residential zone district, see ARS 9-462.01 A. item 11? How about a ‘resort’ zoning district? Will the new zoning code address ‘transfer of development rights’, per section 9-462.01 A. item 12 of the State Statutes?	They could be easily added, as an overlay or base district - concerns should be discussed. TDR can be added as well, however, staff is not aware of land use or regulatory concerns that such districts would need to address, at present. Effort to minimize districts and the need for additional enforcement in age restrictions should be further considered. The current general plan has resort locations anticipated in distant future growth areas, the General Plan Update may identify a greater need for such provisions.	
		16		There needs to be a section that addresses what happens to property that has <u>existing zoning under the old zoning code</u> , i.e. that it is exempt from new zoning code, what is the procedure to amend/revise existing zoned property with a PAD overlay, what amendments/revisions can be done administratively (Minor Amendment) versus the notification, public hearing and Council approval process, etc. (See attached Comparison Chart of Minor vs. Major Amendment criteria from several cities in the Phoenix area. Additional municipality comparisons could be provided. Also see ARS 9-462.04 item 4.	Will be done in Module 2: Administration and Permitting and in the "adopting ordinance". Existing PADs can be "grandfathered" and given PAD zoning, and transition rules explained	
		17		There needs to be a section, similar to the above item 7, that addresses <u>what constitutes a Minor versus a Major Rezone Amendment</u> for property that is rezoned under the new zoning code.	Will be done in Module 2: Administration and Permitting	

ZCRTF - Member Linda Cheney	Outline	18		Per ARS 9-462.01 F. "All zoning and rezoning ordinances or regulations ... shall be consistent with and conform to the adopted general plan ...". We have had this discussion before ... Maricopa's General Plan will be updated in 2014, so the new zone code, since it will be adopted first, will conform with the existing General Plan, correct?	Yes.	
		19		There are several <u>zoned properties</u> (some with PAD overlays) where the approved zoning district(s) were approved by either Pinal County prior to incorporation or by the City of Maricopa and are <u>not consistent with or conform with the land use element of the existing General Plan</u> . As an example there is existing zoned Residential (CR-3) land that on the General Plan Land Use map is depicted as Employment/ Industrial. Should the new Zoning Code address this matter and include a <u>procedure to resolve the conflict?</u>	Conformance can occur "over a reasonable time period". Policy Issue for Task Force when zoning map is discussed.	
		20	Page 5 – 500 Series – third sentence –	<u>'... all types of review and approval including additional noticing where appropriate, beyond State requirements, to facilitate neighborhood input...'</u> . What is meant by <u>'noticing beyond State requirements'</u> ? Need to understand what additional noticing is contemplated and why it would be necessary.	Only an option if need arises. To be addressed under Mod 2 - Public Notification Procedures	
		21	Page 9 - Section 102.03	What is meant by <u>'Uncertainty of Boundaries'</u> ?	When a boundary line may not follow a lot or parcel line, a procedure may be needed - typical Zoning Map Administration language	
		22	Page 14 – Article 208 Planned Area Development District	What is meant by <u>Expiration and Renewal</u> in Section 208.09? Per 9-462.01 E. of the State Statute Zoning can only be rescinded by legislative 'City Council' action.	Will be deleted if conflict with ARS, otherwise will establish provisions and timely performance requirements	
	Mod 1, P1	23	Page 2 – Table 1	There are 13 GP Land Use Designations (see pages 19 thru 22 of General Plan and the legend on the General Land Use Plan Map). The Master Planned Community (MPC) is not shown on Table 1. It needs to be included with its corresponding existing and proposed Zoning Districts. Two GP Land Use Designations (Single Residence and Old Town Redevelopment Area) are identified on the Table 1, which are not land use designations defined in the General Plan (unless these two categories were added via a General Plan Amendment. Additionally, not all 16 existing zoning districts are identified on the Table 1. All 16 existing zoning districts should be identified (TR and where there is an existing zone district that is not being utilized under the new zoning code that should be noted. Table 1 is represented as a comparison of the Proposed Zoning Districts, the GP Land Use Designations and the Existing Zoning Districts. When there is not a compatible comparison, it should be noted as such and further explained in a footnote? See attached redline for suggested revisions that will clarify the Table	Will be done: MPC General Plan Designation will be added to table and a new MPC Zoning Designation can be part of or in addition to a PAD base district. The table markup is very helpful and will guide subsequent work.	
		24	Page 11 - See comment 1.	above on Open Space Districts.	will add to table	
		25	Page 10 - PI Public-Institutional District	Additional comment to item 1 above and item 1 of the Outline ... City/Public owned Open Space land could be defined as and fall under the Public-Institutional District	Yes	
		26	Page 3 Table 2	Need more information on what is proposed for the Floodplain Management Overlay District and the Master Plan Required Overlay District before comments can be provided.	Module 3 will provide this.	
		27		Need to understand the difference between the Planned Development District and the Master Plan Required Overlay District.	PAD is a base zone, initiated by the developer; Master Plan Required is initiated by the city to prevent piece-meal subdivision without overall planning	
		28		Floodplain Management is already governed by FEMA, ADWR and the Pinal County Flood Control District (PCFCD). Currently the property owner has a procedure to follow that allows removal of property from the floodplain through the FEMA CLOMR and LOMR process, which also requires approval of the PCFCD or the City of Maricopa, if it becomes the floodplain administrator. If the purpose of the Floodplain Management District is to restrict or prohibit the property owner from going through the FEMA process to remove land from the floodplain there will be significant opposition to this from the development community. This could lead to a Prop 207 claim of diminution of value. Please also refer to the presentation and discussion by Marana Town Attorney, Frank Cassidy.	A "light touch" only is envisioned, with the flexibility sought. The new Code should not be silent on floodplain management and is provided for Municipal Zoning in A.R.S. Article 9-462.01 A.8. Any risk of a Prop 207 claim will be avoided.	
		29	Page 3, note after Table 2	"These new zoning districts encompass all of Maricopa's current and projected land use development." The new zone districts will not encompass/include the existing zoned properties in Maricopa. The existing zoned properties will keep their current zone district classifications and will only fall under the new zone code, if the property owner decides to rezone all or a portion of its property. If the current zoned property also has a PAD Overlay, the property owner should be allowed to amend the PAD without a requirement to rezone the land covered by the PAD to the new zone districts. This is a similar comment to the ones provided below on the Annotated Outline, see items 3, 4 and 6.	Will be done in transition rules; existing PAD zoning will be grandfathered.	

ZCRTF - Member Linda Cheney	Mod 1, Part 1	30	Page 4, Table 3 under Minor Use and Minor Use Permit	“Conditions of approval may be imposed and larger projects may be referred to the P&Z” – need to have further dialogue on this Minor Use Permit to better understand concept and when it might be required. Also, would like to have typical examples that would identify when a Minor Use Permit would be approved by staff and when it would go to P & Z. What does ‘notification’ and ‘hearing’ mean? Is this the notification that is referred to as the <u>‘additional noticing where appropriate, beyond State requirements’</u> referred to in the Annotated Outline, 500 Series? Need to define ‘project size threshold’. This is a new permit not required under the existing code. Is it really necessary or just more government control and regulation resulting in more processing time and cost for the property owner? Need to understand justification for this Minor Use Permit.	Will be done in Module 2: Administration and Permitting. Policy Issue for Task Force but only in context of Module 2 review.	
		31	Page 5, Rural Districts, item D	“Discourage premature development and limit development in rural areas until suitable infrastructure and subarea plans are in place to facilitate development in a manner consistent with the General Plan.” This statement implies Growth Management, which is specifically prohibited by State Statute, see ARS 9-461.13 and 9-463.06. Also, there are a number of properties that have the current zoning districts with a PAD Overlay and that are still in agricultural use. How will the new code address this?	No conflict with ARS is intended and where a PAD Overlay exists, it can be carried forward	
		32	Page 6, RS-2 Medium Density Residential	In Phoenix housing market medium density residential typically means 3 to 5 units per acre. Clustering lots does not typically come into play until a density of 5 to 8 units/acre is requested. The minimum lot size of 10,000 sf doesn’t make sense. A typical average lot size for a medium density development would be 50’ wide x 115’ or 5,750 sf. Even a 70’ wide x 125’ deep lot at 8,750 sf, which is considered a large lot in the Phoenix market, would not meet the 10,000 sf minimum criteria. The 3 to 5 units per acre cannot be achieved at the 10,000 sf lot size, once the open space (20%) and street ROW (22%) requirements are added to the equation. As an example a 100 acre residential development with 42% Total Open Space and Street ROW would net (100ac-42ac) 58 acres for lots and 58ac x 43560 sf/ac = 2,526,480 sf divided by 10,000 sf min lot area = 252 lots and 252 lots/100 ac = 2.5 units per acre. Hence, the medium density of 3 to 5 units/acre with a minimum 10,000 sf lot size is not achievable. Using the same example 100-acre residential development and 58 net acres of land for lots or 2,526,480 sf with a density of 4 un/ac or 400 lots equates to an average lot size of 6,316 sf. A typical lots size of 55’ x 115’ is 6,325 sf. Please consider lowering the minimum lot size for this RS-2 Medium Density Residential Zone District. Additionally, churches/worship facilities have been allowed in the single family residential, CR-2 and CR-3, zone districts. Does this new code propose to prohibit them in the residential zones? Why?	The Residential Lot Size classifications are a policy issue to be discussed by the Task Force. Staff will provide additional background on 6/26 Part 2 of Module 1 has additional detail on small lot subdivisions. The new code should make this easier to include in development. NO prohibition of religious institutions within neighborhoods is intended.	
		33	Page 7, Multi-Family (RM) and High Density (RH) Residential	need further description of the differences between these two districts. What is the difference between the terms ‘multiple residence housing’ (RM) and ‘multi-unit buildings’ (RH)?	The two terms should be the same; will be corrected.	
		34	Page 11 & 12, Public and Semi Public Districts	Open Space Districts, OP-PR, OP-POS and OP-C, same comments as in the Annotated Outline, see comment item 1 below. In addition, the final configuration (boundary) of private open space areas is not determined at zoning, but rather is finalized during the engineering design process that occurs between preliminary and final plat. Where do the Private Parks and Recreation Facilities often operated by an HOA and owned and used solely by the residents of the community fall under the Zone Districts?	Private facilities are assumed to be part of an overall development plan and need not be mapped separately as zoning districts unless there is a compelling need and owner concurrence.	
		35	Page 11	if the Planned Development District is similar or the same as the existing Planned Area Development (PAD) District, why not just call it the PAD? Need definition of ‘floating district’ and also need to review complete write up/description of this District in order to provide further comment. In the text sometimes this is called out as the Planned Development (PD) District and sometimes as the Planned Area Development (PAD) District (pages 11 & 14). Need to be consistent and call it the same thing throughout the document	Yes, PAD is not the term to be used.	
		36	Page 11	Master Plan Required Overlay District – What does “Required” mean? Why not call this the Master Planned Development Overlay? First sentence, “... where no development has been proposed...” what if an existing large-acreage zoned development with PAD overlay wants to convert to this new MP Overlay? Would that not be allowed? Same sentence,... “but the City wants to have master planning for land in a single ownership to ensure...” why the single-ownership criteria? The last sentence, this statement can be interpreted several ways. Need clarification on the meaning/intent before commenting further. Are you saying that the master plans would need to be approved before the zoning approval of the property or that the property would be zoned as the MP Overlay District with no underlying base zone districts, the master plans would be prepared and go through an approved process and then the property would be rezoned to one of the base districts or to the Planned Development District? Or are you saying once the property is zoned and master plans are approved, there would be flexibility under the MP Overlay to rezone to another zone district or the PD district administratively?	There would be no reason for a development to want to convert to a Master Plan Required designation. Once a master plan is approved, PAD zoning would apply. Flexibility is the intent.	

ZCRTF - Member Linda Cheney	Mod. 1, Part 1	37	Page 11, Transportation Corridor Overlay District	Much of the land along the City’s major transportation corridors (currently Hwy 347 and Maricopa Casa Grande Hwy) is already zoned with a PAD overlay. What is described as the predominant uses in this TC Overlay district in many cases would not be compatible with the uses of the existing approved zoning, as an example storefront retail with professional office versus conventional single family residential. Please also refer to comment item 2 above and items 3, 4 and 6 below on the Annotated Outline regarding the existing zoned properties in Maricopa, many with PAD Overlays.	PAD zoning would override overlay designations. The purpose of the Transporatin Overlay is to encourage and incentivise auto oriented development along critical Arterials and intersections while providing safe walkable alternatives to neighboring residents.	
		38	Page 13, Proposed Use Regulations and Table 5	Table 5 needs footnotes or a ‘Legend’ /cheat sheet that identifies the zone district full name to the zone district symbol and the same, either footnotes or ‘Legend’ identifying each of the use categories, i.e. P, C, M and X with its full definition, i.e. distinguish the difference between Condition Use and Minor Use.	Good idea.	
		39		a. Also, suggest to help distinguish the various Zone Districts primary use adding at the top of the table, immediately under the Base District row, the Table 1 groupings of Rural Districts, Residential Districts, Commercial Districts, Mixed Use, Industrial Districts, etc.	Good idea; ultimately we expect that smaller tables, for logical groupings will be developed.	
		40		b. If the boxes under the Master Plan and Transportation Corridor columns are blank, what does that mean?	No special additional rules apply.	
		41		c. Do not understand the Conditional Use Permit ‘C’ under the Master Plan Overlay column. Will need further explanation and dialogue.	Only that discretionary review would occur until a development plan is prepared	
		42		d. Is this new code proposing to regulate the existing agricultural uses inside the City limits of Maricopa, either by a Minor Use (M) Permit or by Prohibiting (X) altogether? Will all existing agricultural uses then be considered non-conforming uses? The agricultural industry plays a unique and rather complicated roll in Pinal County related to Grandfathered Water Rights and water use from the Central Arizona Project (CAP) canal. For various reasons it is extremely important that agricultural uses, especially crop production, not be terminated upon rezoning to a non-agricultural zone district. Further dialogue is necessary in order to understand the intent of all the M’s and X’s on Table 5.	No additional regulations or restrictions on existing agricultural uses are intended except as would be appropriate for such activities (e.g. setbacks, accessory building standards, etc.)	
		43		e. Single Unit Attached is allowed as a Permitted ‘P’ Use under the NC Neighborhood Commercial District and there are 3 residential uses (duplex, multiple unit & assisted living) allowed as a Conditional Use ‘C’ under this NC District, but the description of the NC District page 8 does not mention any residential uses. Please clarify.	Policy Issue for Task Force; intent is to allow limited residential use with review. Single unit attached will be revised to 'C' in NC District	
		44		f. On the line item Colleges and Trade Schools, Public and Private – specifically the public colleges which would include the community colleges, do not understand why the PD column has an ‘M’ and the Master Plan Overlay column has a ‘C’. Please clarify and explain this in relation to the State Statute exemption (see ARS 34-461 & ARS 34-462 attached) and specifically that all public ‘state owned’ schools (colleges, high schools, middle schools, elementary schools, and others) are exempt from local codes (zoning and permitting).	We recognize the exemption; there may be ancillary uses, infrastructure, service or access uses that may justify review. Details will be confirmed with City Attorney and legal counsel.	
		45		g. Similar comment as 11 e. above for the line item Educational Facility, specifically the Public Schools. Why are there ‘X’s under the residential categories RS-1 and RS-2 (the public elementary schools are primarily located in the medium density residential zone)? Why are there ‘M’s under the higher density Residential, Mixed Use and Planned Development categories and why the ‘C’ under the MP Overlay column. See again, the attached State Statute. In Arizona at zoning a residential project is stipulated to provide a written agreement between the school district and property owner and often a donation of land to the local public school district for future elementary or middle schools and sometimes high schools is required. A larger project could have multiple school sites. The location of the school sites is often changed as the project moves through the engineering design and preliminary and final plat process and sometimes the requirement for a land donation for a school site is removed from the project because the school district decides they no longer want or need the school site. Hence, historically in Arizona the school sites are shown on the zoning land use plan and labeled with a use of elementary, middle or high school, but the underlying zoning district is residential (elementary and middle schools) or residential or mixed use (high school) and in the case of Maricopa’s zoning code CR-2 or CR-3 and sometimes TR. Depending on the zone class, CR-2, CR-3 or TR, the land is assigned a maximum number of dwelling units and that dwelling unit count is included in the maximum number of dwelling units that is allowed on the development. This has allowed the property owner, who is donating the land to the school district, the <u>flexibility</u> to adjust the location of the school or tweak the school site boundaries without having to go through a rezone and, in the case where the school district decides it does not want the land, allows the property owner to develop the land using the underlying zone district, which is typically residential. Is this new code proposing to do away with this and require that these ‘to be donated’ school sites be zoned Public Institutional which would allow for a Permitted (P) Use, prohibit them in the residential RS-1 and RS-2 zones and allow them with a Minor (M) Use Permit in the other zone classifications as identified on Table 5? If so, there will be significant opposition to this from the development community.	All good points, and it may make sense only to use a PI zone after a school is built (or committed at a specified location). We do not want to create any opposition where we can easily fix the draft to respond to the concern.	
		46		h. Does a church or house of worship fall under both the Community Assembly and the Religious Facility?	Will be clarified; it should only be under Religious Assembly.	

ZCRTF - Member Linda Cheney	Mod. 1, Part 1	47		i. Religious Facility, which is assumed a church, why are there so many categories where they are not permitted and why under the categories they are permitted in are they considered a Minor (M) Use requiring a minor use permit? Why would churches not be allowed under all of the residential categories? Why would they only be allowed under the MP Overlay District as a Conditional 'C' Use? Please also see Frank Cassidy's presentation and outline.	The districts where Religious Assembly are not appropriate are the Industrial, Open Space and Agricultural Districts; they certainly can be added to the RS zones.	
		48		j. I have similar questions and comments on the rest of Table 5. It would appear from this Table 5 that this new code may be far more restrictive than the existing code. While I am in agreement on some uses being further restricted, I am not on the majority of them. Do not understand the thinking/ justification behind the Prohibited Uses (X's) where they are now allowed as a Permitted Use, the Minor Use and Minor Use Permit (the M's on Table 5) and the Conditional Use Permit requirement 'C's' under the Master Plan Overlay District. Please see the comments on the attached redlined Table 5. Also, will need to see Part II of this module before commenting on the Additional Standards and "Yes's" column.	Policy Issue for Task Force as to whether there should be a lot more permitted uses.	
		49		k. Is Table 5 supposed to have a list of temporary uses that would require a Temporary Use Permit, see page 19?	Temporary uses and temporary use permits will be addressed later.	
		50		l. Is City Planning staff okay with what's being proposed on Table 5? It is suggested that staff spends some time on Table 5 getting the uses lined up with the zone districts the way they envision they should be and then let the Task Force review an edited/revised Table 5 based on staff's input.	Good idea	
		51	Page 21, Use Classifications	typo in last sentence of first paragraph, the word 'bit' should be 'but'. There are other typos throughout the document, which need to be corrected.	Will be done	
		52		a. Animal & Crop Production - Large Scale, we should be consistent with what ADWR defines as a commercial scale farm which is a minimum of 10 acres, rather than 5 acres.	Will be done	
		53		b. Animal & Crop Production - Urban Agriculture, ½ acre seems very small, suggest 1 acre. Need to create a definition for the category of 1 to 10 acres.	OK	
		54		c. Residential Use – Single-Use Dwelling, Detached, suggest that this definition be broken into two subcategories: conventional single-use dwelling (example 55 x 115 lot) and cluster single use dwelling (example 6 dwelling unit cluster, see attached City of Phoenix, 507 Tab A Guidelines, Subdivision Design/Development Section C., Auto Court Cluster item 7.)	Part 2 of Module 1 has additional detail; a clustered option can be added but we have thought that allowing for this in small lot provisions may suffice.	
		55		d. Residential Use – Single-Unit Dwelling, Attached – does this category also include a tri-plex, stacked flat and condominium? If so, they should be listed as examples along with the townhouse.	Only intended to be town houses and duplexes; other housing types would be multi-unit	
		56		e. Residential Use - Multi-Unit Dwelling, suggest that this definition include apartments as an example.	OK	
		57		f. Residential Use - Family Day Care – where is the definition for the age group of 10 to 18 years? Small 8 or fewer, if Large is 7 to 14, shouldn't small then be 7 or fewer?	Will correct	
		58		g. Where does the single family residential w/ horse property for private use, not for commercial riding or boarding fit, into the various residential descriptions?	Could address in "animal keeping" provisions, which will be in Module 3	
		59		h. Public and Semi Public Use - College and Trade Schools, Public and Private – Since in the Public classification the buildings are owned by the State and are exempt from local codes (see comment item 11. e.), there should be two separate definitions Public and Private.	OK	
		60		i. Public and Semi Public Use - Community Assembly – does a church fall under the category of Community Assembly or Religious Assembly – please clarify. Also, some church auditoriums can be used as a gym for youth activity during the week when there are no church services or larger churches often have separate gyms from the auditorium. Many also have day care centers and/or sports fields. Are you then proposing to prohibit these uses on church property? Please clarify the intent. Also, should there be a distinction between smaller churches and mega churches that have thousands in their congregations? If so, what is the congregation threshold that defines the two?	No prohibitions of secondary uses is intended; a distinction based on size can be added. Policy Issue for Task Force.	
		61		j. Public and Semi Public Use - Educational Facilities, Public or Private – same comment as above in items 11.e. & f. and in item 12. g.	See prior responses	
		62		k. Public and Semi Public Use - Hospitals and Clinics – Is a helipad considered an ancillary use or does it fall under the Transportation Use? What about ambulance services?	Helipads and ambulance service would both be ancillary uses; helipad standards will be added by conditional use	
		63		l. Public and Semi Public Use - Park and Recreation Facilities, Public – where is the definition for Private Parks and Recreation Facilities often operated by an HOA and owned and used solely by the residents of the community? These parks and recreational facilities are not open to the general public. Need to distinguish the difference between Public and Private. Which category do the recreational facilities like YMCAs fall under.	Privately owned facilities not open to the public can be specifically excluded, or classified separately.	

ZCRTF - Member Linda Cheney	Mod. 1, Part 1	64		m. Commercial Use – the definition of Service Station includes food and retail services and the definition of Convenience Markets also includes food and retail items. How do you distinguish the difference? Is there a size (square footage of building) that places this facility in one or the other category? Example, is an AM/PM gas and convenience store classified as a Service Station or a Convenience Market?	Each use can be treated separately or a combination (service station with convenience retail) can be added and standards drafted, including size limits. As defined, a service station can have incidental food and retail services. Policy Issue for Task Force	
		65		n. Commercial Use – Where do stand-alone (not inside a mall) movie theaters fit in the definitions? The current definition of Theaters is for live entertainment / theatrical performances?	Cinemas can be added.	
		66		o. Commercial Use - Live-Work, can you provide some examples of this in the definition?	Yes	
		67		p. Commercial Use – Lodging, would a bed and breakfast place fall under this category of use?	We can add B&B Inns as a subcategory.	
		68		q. Commercial Use – Large Scale Resort, does the definition include a golf course?	Yes, will clarify this.	
		69		r. Commercial Use – Offices – <u>Business and Professional</u> versus <u>Creative</u> , why two separate definitions? Aren’t design services whether engineering, architectural, computer software design, graphic design, etc. considered a professional use?	The idea would be promote "creative space" is the Heritage District, for example, but not Class A office space. Policy Issue for Task Force.	
		70		s. Commercial Use – Medical and Dental, change California to Arizona. Does Vision/Eye Care fall under this category?	Will clarify and add Vision/Eye Care.	
		71		t. Commercial Use – Outdoor, Temporary and Seasonal Sales, does this include farmers markets?	Yes; a separate classification could be added.	
		72		u. Commercial Use – General Personal Services, does this category include day spas and tanning facilities?	Yes	
		73		v. Commercial Use – General Retail Sales (delete ‘small scale’ from this subcategory line item), Large Scale versus Small Scale – what class, small or large, would a retail store that is 50,000 sf fall under the small or large category? What category does a mall fall under?	80,000 sq.ft. is a logical break point for total gross floor area in a center between neighborhood and larger centers. Individual limits for tenants could be set or dropped. Policy Issue for Task Force	
		74		w. Industrial Use – There is a use line item on Table 5 called Laboratories, but there is no definition in the Industrial Use Classifications.	Will add.	
		75		x. Industrial Use – Storage and Warehouse – Indoor Warehousing and Storage, what does ‘Draying’ mean? The dictionary defines ‘dray’ as a large low horse drawn cart with no fixed size. Is there a more contemporary definition?	Will update.	
		76		y. Transportation, Communications and Utilities Use – Airport and Heliports, would a helipad at a hospital fall under this category? See item 12. j above.	Helipad for a hospital would be an ancillary use.	
		77		z. Transportation, Communications and Utilities Use - Major versus Minor Utilities, which category do wastewater treatment, wastewater and/or effluent lift stations, effluent storage (open ‘lakes’ or closed reservoir), water storage reservoirs/tanks (above ground & below ground), water wells, water treatment & water pumping stations fall under? Is there a difference between the public/municipal owned and the private owned water and sewer companies? Transfer Stations are included in the Major Utilities definition, but there is a separate definition for Waster Transfer Facility. What is the difference?	Minor utilities include the lift stations, and local transmission facilities. Large scale plants, resevoirs and tanks are Major. Re cycling Facilities were added at staff request and not correlated with the Utilities definitions; this will be corrected.	
		78		aa. What category does a Public Works Maintenance and Storage Yard fall under, Industrial or Public Government Facility/Building?	Public Works Yards could be a Government Facility or a new Corporation Yard classification added	
		79		bb. What category does a micro-brewery that is part of a restaurant fall under?	If secondary, can be part of the classification, or "brew pubs" can be separately defined. Policy Issue for Task Force	
		80		cc. What category do the ‘condo type’ garage (owned space vs. leased space) recreational vehicle storage facilities fall under?	A new classification can be added for such Commercial Parking.	
ZCRTF Member Bob Marsh	Mod. 1 Part 1	81	P5, Time Limits	500 Series: Can the zoning code set time limits (or at least goals) on permitting and other processes to set expectations for developers and for measuring city staff performance?	Yes. Will be done in Module 2: Administration and Permitting.	
		82	P6, Typo	boars	Will be fixed.	
		83	P9, Typo	Institutional, planned	Will be fixed.	
		84	P35, Typo	Santa Monica	Will be fixed.	
		85	General Question	Does the code allow for a separate or connected pool house, mother-in-law house, or "sunset observation deck structure?	Yes	
		86	P11, Density	How is "density" expressed in the code? Building area as a % of land area? Building area per lot? Other?	Density will be expressed in units per acre or intensity in a floor area ratio (FAR)	
		87	P8, Ordinance Hierarchy	What other laws, regulations, and ordinances trump this code, and what does this code trump? E.g.: Federal laws, state laws, county laws, flood plain district ordinances, school district ordinances, HOA CCRs, other?	Will be addressed in Introductory Provisions	
		88	P15, Beyond roads	Can this code enable sidewalks, walking trails, bike paths? E.g.: Bike paths from each subdivision to nearest schools, to shopping area, to city hall, to major parks?	Partially; also in Subdivision Regs.	

ZCRTF Member Bob Marsh	Mod. 1 Part 1	89	P17, Heights	Does the code say anything about the height of homes and buildings, sunset viewing decks, etc? E.g.: Not building or planting trees so as to block neighbors' solar collectors or possible future insolation development?	Yes. Part 2 of Module 1 has additional detail	
		90	P18, Noise	Does the code say anything about noise? E.g.: Noise from wind power generators.	Module 3 will address	
		91	P24, Signage	Does the code say anything about temporary signage? E.g.: Political, special event, garage sale signs.	Already in City's sign code.	
		92	P28, Chart	Perhaps add a chart showing the hierarchical relationships of the various planning and governing authorities? It would provide the context and relative authority for this code with respect to the other laws, regulations, ordinances.	Good idea	
		93	P35, Enforcement	Who looks for and investigates zoning violations? We don't have any "Zoning Police."	Will be done in Module 2: Administration and Permitting	
ZCTF - Member VonFleckinger	Outline	94	General	Is the purpose of the rewrite to codify the existing code or throw it out completely?	Purpose is to implement the "big ideas: the Council endorsed.	
		95		The existing code is 102 pages can we expect considerably less, especially utilizing the tables?	We will try to make it as concise as possible	
		96	Page 6, Rural Zones	There is not provision for septic systems in GR	Will add.	
		97	PRI #2	Churches/schools Churches See footnote: RLUIPA of 2000 Zoning churches PI is fairly common practice and I think Mr. Webb did not see the provision in Module 1 page 7 RM	Good clarification	
		98	PRI #3	OS/POS What they say makes sense I need more detailed information on how this could negatively effect developers and especially an example of POS as I am always concerned when I see the word "private" is used in any legislation.	No intent to create negative impacts	
		99	PRI #4	I have questioned the need for an overlay here and we know new maps will be out in March. I thought the city contracted for two overlays but I see three; isn't there a higher need elsewhere?	The Code will address floodplain management and might just refer to FEMA maps with no overlay	
		100	PRI # 5	."green" is also the color of money and that is usually what green building adds to the cost. Research Task: Needed detail an third party certification. More time and more money	Intent is to have a simple, voluntary process; Module 3 will have details and options for Task Force review	
		101	PRI #6	I am anxious to see the city's response to the three separated mentions of "Environmental Review and Analysis)	Can eliminate as a separate process; will be addressed in Module 2.	
	Mod 1, Part 1	102	PRI #1	More zoning districts: Even though zoning districts for Agriculture and Manufactured housing have been reduced significantly, business is taking the brunt of the in increases in zoning. More rules effect the cost of doing business which discourages business from coming here.	Intent is to simplify rules and create a welcoming atmosphere	
		103	PRI #2.	Lot sizes for RS1 and RS2 are a little under 1/4 acre and a little over 1/4 acre. Why couldn't you have a standard 1/4 acre and have 1 zone the same use. According to the existing code he minimum lot size is 7,000 feet. has there been compliance and will it remain the same? (Page 7) RHMP What is going to be deemed "necessary" community services and who decides?	Policy Issue for Task Force; will clarify what "necessary" means so interpretations are not needed	
		104	PRI #3	Need for three different C zoning? See number 1 this section. A side note on commercial zoning. Does the current code have a "required acceptable exit strategy" for big box stores and large retailers? Have you seen the "zombie" shopping centers on Florence Ave. in Casa Grande?	Commercial zoning framework is Task Force issue. NC zoning would keep big box stores out of neighborhoods. SC zoning is intended to offer flexibility	
		105	PRI #4	Mu and MU-G? Also; here is some confusion with how Mixed Use in the General Plan includes "employment centers" which in Module one is GI "employment centers" which seems incompatible with 7 Ranches along Porter RD. across for the Glenwilde community.	Differentiation of Mixed Use Districts will give the City flexibility and avoid problems such as in 7 Ranches	
		106	PRI #5	Hard Zoning for Telecommunication Towers. Page 49 of the Diagnosis and Evaluation Paper goes into great detail what Federal law dictates. I believe Maricopa should take a serious look at Scottsdale's approach: http://library.municode.com/HTML/10075/level3/VOLII_APXBBAZOR_ARTVIIIGEP.html#VOLII_APXBBAZOR_ARTVIIIGEP_S7.200ADARRE#VOLII_APXBBAZOR_ARTVIIIGEP_S7.200ADARRE ARTICLE VII. - GENERAL PROVISIONS Wireless communications facilities (WCF). The purpose of the WCF regulations is to encourage and pro mote wireless communications coverage for all areas of the city while minimizing the visual, environmental, and neighborhood impacts. The preferred WCF locations include locations having the least amount of visual and neighborhood impact. More preferred locations include commercial and industrial areas, and less preferred locations include residential and school areas. The wirelesscommunications service providers shall adhere to all applicable federal regulations, such as the Federal Communications Commission (FCC) and the National Environmental Protection Act (NEPA). Locations may require an environmental assessment	Good suggestions. The City already has a WCF ordinance and substantial revisions are not likely. Please review the existing Wireless Facility Code and provide comment of where it can be improved.	
		107	PRI #6	OS-POS My response is the same as #2 in Annotated Outline (I need more detailed information on how this could negatively effect developers and especially an example of POS as I am always concerned when I see the word "private" is used in any legislation.)	Comments on this provided above.	

ZCTF - Member VonFleckinger	Mod 1, Part 1	108	PRI #7	Master Plan Overlay I have read this over and over and I am still not sure why this is necessary I need a an existing example, it certainly doesn't seem simple at all. MASTER PLAN REQUIRED OVERLAY DISTRICT The Master Plan Overlay District would apply to large areas of unsubdivided land where no development has been proposed, but the City wants to have master planning for land in a single ownership to ensure consistency with the General Plan, compatibility with existing and planned uses in the vicinity and appropriate planning for infrastructure, including over-sizing of facilities, if necessary. With this in mind, the purpose of the Master Plan Overlay District is to establish a process for the consideration and regulation of areas suitable for proposed comprehensive development with detailed development plans and of those areas that require special planning. Once a master plan for development has been approved, the site can be rezoned to other base districts. consistent with master plan or to a Planned Development District	Policy Issue for Task Force; may not be needed.	
		109	PRI #8 Pg 14	what does the statement: So, the general rule will be that no use other than an existing use is permitted in a PAD District except in accord with a valid PAD Plan. Any permitted or conditional use authorized by this Code may be included in an approved PAD Plan consistent with the General Plan land use designation(s) for the site unless specifically prohibited, as shown in the table. Very good question, if they think the meaning is vague how is the average person suppose to understand.	The idea is that the PAD Plan becomes the governing document to avoid any misunderstanding.	
		110	PRI #9	Table 5 Dana, I understand the table is suppose to simplify finding different zoning uses" at a glance" which I believe it will but I have to agree that there are just so many uses in so many zones complicates-not simplifies.	In the Code streamlined tables will be used for individual chapters, will be easier to read.	
		111	General	There was some grumbling from stakeholders about crop dusting. In the existing code there is a "spraying easement" for developing next to agriculture land. The developers <u>were required</u> to put that notification in there purchase agreements and closing docs. Was there compliance? Will it remain in new zoning?	Statutue and peer community regulations will be reviewed for best practices and an update will be provided with the revised module.	
		112	General RE Churches	Footnote: 2 Annotated Outline The Religious Land Use and Institutionalized Persons Act (RLUIPA) was passed by Congress in 2000 to protect Churches and religious organization from zoning ordinances that target churches for different treatment, or that place a “substantial burden” on a person or organization’s ability to worship. The Supreme Court upheld the constitutionality of RLUIPA in the 2005 case of Cutter v. Wilkinson, 544 U.S. 709 (2005). 1. Most cities are not in compliance with the law. A study of over 200 municipalities shows that more than half have no zone whatsoever where churches can freely locate. This is in violation of the federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA). 2. Cities cannot discriminate against churches. RLUIPA requires that "religious assemblies and institutions" must be treated the same as "non-religious assemblies and institutions" under zoning laws. This means anywhere a city permits a community center, theater, or other facility for non-religious assembly, it must also allow a church.	Good points; we intend to follow the law.	
ZCRTF - Member Tony Gray		113	Sign section	My first suggestion is that the city should consider the eradication of all A-Frame signs that are being put out along the highway from the businesses. I know that they can increase foot traffic for the businesses but there is a aesthetic disturbance that I believe out weighs the benefit. At least I would like to see a valid study that shows the increase of traffic and see if it is significant. Also I would suggest the research of any other city(ies) that have addressed this issue and see what they implemented. I would gather there should be a tactic that could solve this issue, long term.....possibly any new company get 60 days of an A-Frame use etc	Policy Issue for Task Force; this can be addressed in Module 3, under Sign Code provisions	
		114	General	With my understanding of the opposite polls or ends of the spectrum when referring to both the Euclid and the form based or overlay zoning, I see both advantages of each zoning approaches and the need for each, at least the advantages of each of the zoning types. Euclid, is rigid and with the advent of the evolution of city planning and cities in particular, a more pliable code system is for sure needed, there seems to be no debate here. But I do see the benefit of the Euclid system and its rigidness that it truly protects the different factions within a city,(citizens, businesses and the city government) and the specific zones from being encroached by a possible stronger threat to the health, beauty ...etc of the city. So my question is, as we are reconstructing our zoning codes and that we are leaning towards using more form based and layover zoning codes approaches, what will take the place of legitimate "checks and balances" that will keep in equilibrium the balance of flexible and fair. That is, in this process, what will ensure that we don't have a document that will give some faction an advantage to use the more flexible coding system to construct without keeping the city's long term benefit at stake.	We will strive to maintain the checks and balances, to be flexible and fair. The outcome expressed is one we support.	
Stakeholder - PRI (developer)	Outline	115	Page 9	The “RU zones” (Rural Zones) are missing from Article 102.02. In general we are somewhat confused as to the intent of the Rural Zones and look forward to additional clarification in the ZO itself.	Will be done	

Stakeholder - PRI (developer)	Outline	115	Page 13, Article 206	We are concerned with what appears to be a proposal that schools and churches be zoned “PI”. Doesn’t federal law actually exempt churches from zoning regulations in most cases? With respect to schools, they are typically allowed by right in the majority of zoning districts.	There is no pre-emption, but we must follow federal and state law.	
		117	Page 13, Article 207	The proposed OS-POS district appears to intend to require that every subdivision open space be separately zoned OS-POS rather than zoned with the adjacent residential land. This is completely impractical and will be terribly cumbersome on both the City and the development community. The boundaries of these areas change during design all the time, requiring developers to come back and change zoning area boundaries multiple times.	All good points. Whether to include an OS-POS is a Policy Issue for Task Force. It could be voluntary.	
		118	Page 15, Article 301	Creating a separate overlay district for floodplain areas seems completely unnecessary. Floodplain boundaries change all the time and this will simply create an unnecessary step in the development process. There are already regulations in place to govern floodplain areas.	Agree; regulations in place may suffice, but references to them still will be needed.	
		119	Page 17, Article 402	We’re not exactly sure where the document is heading with the green building program, but this should be an optional or bonus program, not a requirement of every development. There are significant financial implications to requiring green development, particularly when its affordability can be directly linked to subsidies.	Agree; this will be clarified in Module 3.	
		120	Page 29, Article 502.05, Page 33, Article 510.03 & Page 34, Article 511.03	There are mentions of a required “Environmental Review and Analysis”. Without more information, we are concerned about adopting requirements for green building and environmental standards that may not financially feasible.	Agree; this will be clarified in Module 3.	
	Mod 1, P1	121	Page 1, Introduction	We appear to be going from 16 base zoning districts to 21 base zoning districts. As a general comment, there needs to be justification for the creation of additional zoning districts. We want to avoid a scenario where we are trying to put everything in a box just for sake of it being in a box. Too many boxes.	Justification is to be able to implement the General Plan	
		122	Pages 6 & 7	We are a bit confused/concerned with the intent of the various residential districts, particularly as it relates to minimum lot sizes. Lot sizes equate to housing types and the City will be successful by providing for and encourage a wide variety of housing types. The minimum lot sizes proposed appear to be establishing a pretty low system bandwidth whereby small lot single-family residential is discouraged. For example, the smallest minimum lot size in a single-family residential zoning district is 10,000 SF. Obviously most of the lots developed in the City have been below that threshold. We don’t want to create the perception that those smaller lot sizes are discouraged.	Part 2 of Module 1 has additional detail on small lot subdivisions. Task Force to discuss Residential Lots standards.	
		123	Page 8	Do we really need the 3 different Commercial zoning districts (NC, GC and SC). I don’t see a big distinction between NC and GC. Again, we don’t need a box for everything just for the sake of it being in a box.	Yes, we believe the distinctions are important. Policy Issue for Task Force.	
		124	Page 9	Do we really need both MU and MU-G? It seems that one Mixed Use district would suffice for both of these.	Policy Issue for Task Force	
		125	Page 10	We would not be supportive of requiring telecommunications towers to get “PI” zoning. This can be handled without hard zoning.	Agree; no significant revisions to existing City ordinance are anticipated.	
		126	Page 11	As indicated above, the suggested OS-POS zone as it relates to subdivision greenbelts or opens space would be very problematic for all parties.	Policy Issue for Task Force	
		127	Page 11	While we don’t have a lot of information on the proposed Master Plan Overlay District, it just seems like an unnecessary step. One of the objectives of this project was to eliminate unnecessary steps.	Can be eliminated; Policy Issue for Task Force	
		128	Page 14	What does the statement “So, the general rule will be that no use other than an existing use is permitted in a PAD District except in accord with a valid PAD Plan” mean? We’d like to get some clarification on the intent of this statement.	The idea is that the PAD Plan becomes the governing document to avoid any misunderstanding.	
		129	Table 5	This table is very cumbersome and we have many questions. I’m certain it will be dissected and refined. In general it just has a lot of uses in a lot of zoning districts that don’t make sense and seem very arbitrary.	In the Code streamlined tables will be used for individual chapters, will be easier to read.	